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LUC-466/ Florkey 16-10-24

**IN THE UNITED STATES
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Patent Application

JUN 27 2008

Inventor(s): Cynthia K. Florkey et al.
Case No.: LUC-466/ Florkey 16-10-24
Serial No.: 10/768,409
Filing Date: 01/30/2004
Title: PORTING A DIRECTORY NUMBER FOR A DURATION OF TIME

Examiner Khai N. Nguyen
Art Unit: 2614

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2614, Attention: Examiner Khai N. Nguyen, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on June 27, 2008.



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Date of Signature: June 27, 2008

Commissioner for Patents
Mail Stop Amendment
Group Art Unit 2614
Attention: Examiner Khai N. Nguyen
P.O. Box 1450
Alexandria, VA 22313-1450
Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

REMARKS

Claims 1-25 are pending in the application. Claims 1-25 was rejected under 35 U.S.C. § 103 (a).

Rejections Under 35 U.S.C. § 103 (a)**Rejection Under Mazzarella and Moss**

Claims 1-20 and 22-24 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Number 6,819,921 issued to Mazzarella et al. on November 16, 2004 in view of U. S. Patent Number 6,785,372 issued to Moss on August 31, 2004.

Applicants respectively traverse this ground of rejection for the following reasons. First, applicants' claim 1 recites,

"a portability component that automatically updates one or more provisioning components to port a directory number for a duration of time, wherein a value for the duration of time comprises a date in the future, and wherein the directory number is not limited to wireless directory numbers."

As stated in the Office Action, Mazzarella does **not** teach or suggest "a value for the duration of time comprises a date in the future". Moreover, applicants note that Moss does **not** teach or suggest the limitation either. Instead, Moss discloses a technique for providing prepaid dialtone services to wire-line subscribers. In Moss, an application server tracks the service period for each wire-line subscriber of a prepaid dialtone service. The service period may, for example, correspond to 30 days from service installation for new subscribers or 30 days from the end of a renewing subscriber's current service period, as stated in column 6, lines 28-35.

By contrast, the duration of time, as used in applicants' claim 1, refers to a period of time to port a **directory number** based on the value rather than a service period for each wire-line subscriber of a prepaid dialtone service. Thus, Moss, similar to Mazzarella, is missing the "a portability component that automatically updates one or more provisioning components to port a directory number for a duration of time, wherein a value for the duration of time comprises a date in the future" elements, as recited in applicants' claim 1.

Second, the Final Office Action suggests that there is a motivation to combine Mazzarella and Moss —namely, to enhance the customer service quality by providing the feature of porting a directory number for any service period length as desired. However, applicants respectfully submit that the teachings in Mazzarella and Moss provide no basis to conclude that a person of ordinary skill in the art would use Moss' techniques to facilitate Mazzarella's arrangement to arrive at the subject matter of applicants' claim 1, so the combination is improper.

Specifically, each reference addresses a problem so different from the one addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

More specifically, Mazzarella addresses the problem of porting a mobile directory number from an existing wireless service provider to a new wireless service provider without having to visit the existing or new wireless service provider. In Mazzarella, the problem is addressed by receiving, at a new service provider, a porting request sent by a subscriber; sending a profile request to a current service provider of the subscriber in response to the porting request, the profile request requesting profile information on the subscriber; receiving, at the new service provider, the profile information for the subscriber; and sending a porting complete notification to the subscriber.

Rather than addressing problems that involve porting a mobile directory number from an existing wireless service provider to a new wireless service provider without having to visit the existing or new wireless service provider as done by Mazzarella, it appears that the problem being addressed by Moss is the need to provide an improved technique for implementing prepaid dialtone services. In Moss, the problem is addressed by receiving a telephone call directed to a called party from the subscriber at a first network element; communicating a local telephone call request from the first network element to a second network element; determining if a maximum number of local telephone calls has been completed by the subscriber within a predetermined time period; instructing the first network element to connect the telephone call to the called party if the subscriber has not exceeded the maximum number of local telephone calls within the predetermined time period; initiating a notification timer in the second network

element; and disengaging the second network element from the telephone call upon expiration of the notification timer.

Also, each reference addresses services so different from the services addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

Mazzarella ports directory numbers in wireless networks. Rather than porting directory numbers in wireless networks as done in Mazzarella, Moss provides prepaid dialtone service to subscribers of a wire-line network.

Furthermore, each reference addresses subscribers so different from the subscribers addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

Mazzarella mentions wireless subscribers only. By contrast, Moss addresses the needs of wire-line subscribers, i.e., a subscriber having a telecommunications device connected to a subscriber line and in communication with a telephone network via the subscriber line, as stated in claim 1 of Moss.

Still further, each reference addresses a number of service providers so different from the number of service providers addressed by the other reference that the respective teachings provide no motivation for the person of ordinary skill to combine them.

Mazzarella's technique requires two service providers. By contrast, Moss requires only one service provider.

Accordingly, one of ordinary skill in the art would not be motivated to combine a solution that provides 1) receiving, at a new service provider, a porting request sent by a subscriber; sending a profile request to a current service provider of the subscriber in response to the porting request, the profile request requesting profile information on the subscriber; receiving, at the new service provider, the profile information for the subscriber; and sending a porting complete notification to the subscriber, with 2) receiving a telephone call directed to a called party from the subscriber at a first network element; communicating a local telephone call request from the first network element to a second network element; determining if a maximum number of local telephone calls has been completed by the subscriber within a predetermined time period; instructing

the first network element to connect the telephone call to the called party if the subscriber has not exceeded the maximum number of local telephone calls within the predetermined time period; initiating a notification timer in the second network element; and disengaging the second network element from the telephone call upon expiration of the notification timer.

Furthermore, Mazzarella makes no mention of prepaid dialtone service to subscribers of a wire-line network, nor is there a teaching in Mazzarella to suggest that there would be an improvement in Mazzarella's technique for porting a mobile directory number from an existing wireless service provider to a new wireless service provider with Moss' prepaid dialtone service to subscribers of a wire-line network. Since the teachings of Mazzarella adequately address the problem of porting a mobile directory number from an existing wireless service provider to a new wireless service provider without having to visit the existing or new wireless service provider, there is no motivation to combine Mazzarella with Moss' teachings. Given that Mazzarella technique does not suffer from the problems that Moss addresses, one of ordinary skill in the art would not be led to try to improve Mazzarella's technique with Moss' teachings.

Thus, one of ordinary skill in the art would not be motivated to modify Mazzarella with Moss' teachings. Consequently, applicants respectfully submit that the Examiner is relying on the use of impermissible hindsight in an attempt to reconstruct applicants' teachings by combining Mazzarella with Moss. Accordingly, applicants submit that the combination and resultant rejection are improper.

In view of the foregoing, claim 1 is believed to be allowable over the proposed combination of Mazzarella with Moss. Since claims 2-17 and 22-24 depend from allowable claim 1, these claims are also allowable.

Independent claims 18 and 21 each have limitations similar to that of independent claim 1, which was shown are not taught by the proposed combination of Mazzarella and Moss. For example, claims 18 and 21 recite, "wherein a value for the duration of time comprises a date in the future, and wherein the directory number is not limited to wireless directory numbers". The proposed combination of Mazzarella and Moss does not teach these limitations for the above-mentioned reasons. Therefore,

claims 18 and 21 are likewise allowable over the proposed combination. Since claims 19-20 depend from claim 18, these dependent claims are also allowable over the proposed combination.

Rejection Under Mazzarella, Moss and Petrunka

Claims 21 and 25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mazzarella and Moss in view of various references.

Applicants respectfully traverse these grounds of rejection.

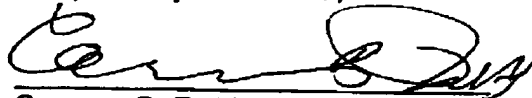
This rejection is based on the rejection under Mazzarella and Moss being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest "wherein a value for the duration of time comprises a date in the future, and wherein the directory number is not limited to wireless directory numbers", as recited in applicants' independent claims 1, 18 and 21, the combination of Mazzarella, Moss, Petrunka and Moreman does not supply these missing elements. Thus, this combination does not make obvious any of applicants' claims, all of which require the aforesaid limitation.

Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Dated: June 27, 2008

PATTI, HEWITT & AREZINA, LLC
Customer Number 47382